

**BALL JANIK L.L.P.**

**A T T O R N E Y S**

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**February 20, 2009**

**BY E-Filing**

**The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street S W.  
Washington, DC 20423-001**

**Re. STB Docket No. AB-857 (Sub-No. 1X), Great Western Railway of  
Colorado, LLC – Abandonment Exemption – In Weld County,  
Colorado**

**Dear Acting Secretary Quinlan:**

By decision served June 4, 2008, in the above-referenced proceeding, the Board imposed a section 106 condition on the exemption of the abandonment which precluded Great Western Railway of Colorado, LLC ("GWRC") from salvaging the rail line until the section 106 process has been completed.

On October 1, 2008, GWRC's consultant submitted a report and site form to the Colorado State Historic Preservation Officer ("SHPO"). The consultant recommended that GWRC's proposed salvaging of the line and rail-banking will have no adverse effect upon the Welty Branch. See Exhibit 1. By letter dated December 3, 2008, the SHPO concurred with the consultant's recommendation. See Exhibit 2. Under these circumstances, GWRC respectfully urges the Board to remove the section 106 condition or modify that condition in order to allow GWRC to salvage the line and enter into a rail-banking agreement.

**If you have any questions, please call me.**

**Sincerely,**

A handwritten signature in black ink, reading "Karl Morell". The signature is written in a cursive, flowing style with a large initial "K" and a long, sweeping underline.

**Karl Morell**



**EXHIBIT 1**

October 1, 2008

Edward C. Nichols  
State Historic Preservation Officer  
Colorado Historical Society  
1300 Broadway  
Denver, CO 80203

**RE: Abandonment Exemption of the Welty Branch of the Great Western Railway,  
Weld County, Colorado**

Dear Mr. Nichols

On behalf of the Great Western Railway (GWR), LLC (a subsidiary of OmniTRAX), URS Corporation (URS) is pleased to submit the enclosed report and site form. The GWR has filed for abandonment of its Welty Branch of the GWR, located in Johnstown and south and west in the adjacent farm fields. The area of potential effects (APE or project area) is the Welty Branch right-of-way (ROW), from its start in north Johnstown at Parish Street and 2<sup>nd</sup> Street to its end at Welty near County Road 5. The project area includes the entire ROW, including the ROW extensions for sidings and spurs, a distance of approximately 6.2 miles. Because the line abandonment falls within the jurisdiction of the Surface Transportation Board (STB), the action is considered a federal undertaking and therefore subject to the provisions of Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et seq., as amended through 2000). As such, the STB requires that the Great Western Railway, LLC to consider the effects of this undertaking upon historic properties.

The survey documented the entire Welty Branch of the GWR (5WL841.15). The branch was constructed in 1902 and 1903 to service the sugar beet industry by transporting harvested beets to the area sugar factories for processing. URS is recommending that the entire Welty Branch be considered eligible for listing in the NRHP for its association with the sugar beet farming and processing context of northeastern Colorado. The Welty Branch is the first branch of the original mainline GWR. The rail was instrumental in helping to establish Johnstown and keep Loveland and the other surrounding communities as viable agricultural entities. The railway's longevity is marked by its continued use from 1902 through the 1970s. The rail hardware is fairly intact and for the most part the rails, ties, switches, and switch stands are historic but range from the 1900s to the 1960s. Overall, the site retains its integrity of location, setting, feeling, design, workmanship, materials, and association. A few segments have lost aspects of feeling, setting, materials, design and workmanship but not enough to not be able to convey the significance of the branch railroad as it pertains to the railroad as a whole.

It is our understanding that after the abandonment has been approved by the STB, with the exception of a small segment within Johnstown that will remain as is, the GWR plans on pulling the rail and other hardware for salvage and the railroad grade will be rail banked. This will

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8181 E. Tufts Avenue  
Denver, CO 80237  
Tel: 303 694 2770 and 303 740 2600  
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preserve it for future use as a railroad or potential trail opportunities Based upon this proposed action, it is our recommendation that the proposed actions will have no adverse effect upon the Welty Branch We respectfully seek your concurrence with these recommendations

If you have any questions about the work performed or the summary report, please contact me by telephone at (303) 796-4617 or Mr Karl Morrell at (202) 638-3307 Thank you

Sincerely,

**URS CORPORATION**

A handwritten signature in black ink, appearing to read "R. Mutaw", written over the company name.

Robert J. Mutaw, Ph D  
Principal Investigator  
Cultural Resources Team Leader

Enclosures

cc Karl Morell, Ball Janik LLP  
Jim Bertram, Great Western Railway I.I.C

## OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

EXHIBIT 2

3 December 2008

CHS #50997

Robert J. Mutaw, Ph D  
Principal Investigator  
URS Corporation  
8181 East Tufts Ave.  
Denver, CO 80237

RE: Abandonment Exemption, Welty Branch of the Great Western Railway, Johnstown,  
Weld County

Dear Dr. Mutaw:

Thank you for your recent correspondence dated 1 October 2008, concerning the eligibility of a segment of the Great Western Railway's Welty Branch (SWL.841.15). Our office has reviewed the submitted materials. We concur with your assessment that this segment supports the eligibility of the Welty Branch. The Railway's plans to railbank this section of the track will have no adverse effect on the segment.

If you have any questions, please contact Joseph Saldibar, Architectural Services Manager, at (303) 866-3741.

Sincerely,

*Edward C. Nichols*  
Edward C. Nichols  
State Historic Preservation Officer, and  
President, Colorado Historical Society

Post-It Fax Note		7671	Date	12/3/08	Page	1
To	ROBERT MUTAW		From	JOSEPH SALDIBAR		
Co/Dept	URS Corp		Co	CHS/OAHP		
Phone #	303-796-4617		Phone #	303-866-3741		
Fax #	303-694-3946		Fax #	303-866-2711		

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